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9 *Holdings, LLC*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 PivotHealth Holdings, LLC,

13 Plaintiff,

14 v.

15 Lucas Horton,

16 Defendant.

Civil Action 2:24-cv-01786-MTL

17
18 **PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY**

19 Plaintiff PivotHealth Holdings, LLC, writes to inform this Court of authority
20 related to Defendant Lucas Horton's Motion to Dismiss. ECF No. 12.

21 Horton moved to dismiss Pivot's Complaint for lack of personal and subject
22 matter jurisdiction. ECF No. 12. Regarding the latter, he baldly stated that "not much
23 time was invested" in Pivot's defense of his earlier lawsuit against Pivot and that Pivot
24 caused its own damages by allegedly violating the TCPA. ECF Nos. 12, 18. He failed
25 to support these statements with any evidence and the motion was an attack on the
26 merits of Pivot's claims (*i.e.*, an attempt to prove his prior lawsuit against Pivot was
27 meritorious). It thus could not be resolved at the pleading stage. ECF No. 23, 2.
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1 *Healthcare Inc., et al., v. Robert Doyle*, 2025 WL 1094309, at *4 (D. Ariz. Apr. 11,
2 2025) involved a remarkably similar challenge. There, Healthcare, Inc. (which is a
3 Pivot corporate affiliate) initiated a breach of contract and wrongful litigation action
4 after Robert Doyle brought and then dismissed a frivolous TCPA lawsuit. Doyle
5 moved to dismiss for lack of subject matter jurisdiction, arguing he never entered into
6 a contract with Healthcare, Inc. *Id.* at *3–4.

7 The Court denied his motion, explaining that “the jurisdictional and substantive
8 issues are not just intertwined but the same.” *Id.* at *3. After all, Healthcare, Inc.
9 couldn’t assert a breach of contract claim if the Court found Doyle never entered into
10 a contract in the first place. Thus, despite being “framed as a jurisdictional challenge,”
11 the motion was improper and Doyle’s arguments couldn’t be resolved at “the pleading
12 stage[.]” *Id.*

13 Like in *Doyle*, Horton’s “jurisdictional” challenges here rest on his false
14 allegation that Pivot did, in fact, violate the TCPA. Such a finding goes to the merits
15 of Pivot’s wrongful civil action claim. The Court should follow *Doyle*’s lead and reject
16 Horton’s jurisdictional challenges. *See also Castner v. First Nat’l Bank of Anchorage*, 278
17 F.2d 376, 379 (9th Cir. 1960) (judges who sit in the same district should strive to reach
18 consistent decisions “to preserve the orderly functioning of the judicial process.”); *Long*
19 *v. Dick*, 38 F. Supp. 214, 218 (S.D. Cal. 1941) (while a decision by a court in the same
20 district is not binding, “great weight should be given to the decision in the interests of
21 uniformity.”).

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23 DATED: April 16, 2025
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[Signature on following page]

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/s/ Ryan D. Watstein

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